

London Britain Township Board of Supervisors Meeting

October 28, 2013^{approved 11/11/13 BOS mtg}

Zoning Hearing

David Owens Chairman of the Board of Supervisors opened the Zoning Hearing at 7:00pm. In attendance were Supervisors Aileen Parrish and Glenn Frederick, Secretary Carolyn Matalon and Park & Recreation Board member Bill Maslanka.

David Owens made a motion to continue the hearing to Monday November 25, 2013 @ 7pm. Aileen Parrish seconded and the motion carried unanimously.

Board of Supervisors meeting

David Owens Chairman of the Board of Supervisors opened the Board of Supervisors meeting at 7:10pm. In attendance were Supervisors Aileen Parrish and Glenn Frederick, Secretary Carolyn Matalon, Treasurer Nette Stejskal and Park & Recreation member Bill Maslanka.

Old Business

Wilkinson/Nivin View endowment- Aileen Parrish noted that the Township is in receipt of a letter from Wilkinson regarding note#21 of the RFP for Nivin View. In lieu of the one payment of \$36,000 Wilkinson is requesting to pay that amount in four equal payments of \$9,000 at the settlement of each of the last four homes and turn the deed of dedication for Open space to the Land Trust when they are ready. Aileen Parrish spoke with the Land Trust and consulted with the Township attorney because this is a note on an approved recorded plan. The Supervisors can make an administrative decision and consider what is normal procedure for Open Space dedication in the Township vs the requirements of Note#21 on the Nivin View RFP or the Note#21 can be observed as it is. The Land Trust is concerned with taking the Nivin View open space without taking the entire endowment. The Supervisors discussed the options available. Supervisor Aileen Parrish does not think it is in the best interest of the Township to take dedication of the Open space without the full endowment. Supervisor Glenn Frederick stated that the Township should honor the Land Trust wishes not to take the dedication without the endowment. Glenn Frederick suggested and the Board agreed to give 2 options to Wilkinson builders and let them decide which option they take. The 2 (two) options are as follows:

Note #21 of the Nivin View recorded plan states that Wilkinson shall offer Open Space A in fee simple and with an endowment to the London Britain Township Land Trust with the transfer of ownership prior to the issuance of the eleventh building permit. Ten (10) building permits have been issued for Nivin View.

Note #21 of the Nivin View recorded plan states that the Applicant shall provide to London Britain Township Land Trust an endowment of \$36,000 for the maintenance preservation of the Open Space, payable at the issuance of the 10th building permit. Ten (10) building permits have been issued for Nivin View.

Option #1. The Township does not take dedication of the Open Space and the \$36,000 endowment until the time of dedication of the development.

Option #2. The Township does not take dedication of the Open Space until the time of dedication of the development and the endowment payment of \$36,000 is divided at the settlement of each of the remaining houses and paid to the Township at that time.

All other items/notes on the recorded plan will remain as recorded. In addition it is the expectation of the Township that the Open Space will be offered once there has been a clearing of the invasive.

Aileen Parrish made a motion to move on the discussion. David Owens seconded and the motion carried unanimously.

Resolution #13-12 Latshaw Conditional Use decision

David Owens read Resolution #13-12 which states the purpose of the Conditional Use application is to subdivide the property into two (2) lots as depicted on the Final Minor Subdivision plan dated 7/31/13; the dwelling is on proposed Lot 1 and the church, barn and parking lot is on proposed Lot 2. The property is located at 3222 Appleton Rd Tax Parcel No. 73-5-4.2 in the R/A Zoning District. Part of the property is located in Franklin Township, Tax Parcel No. 72-7-7.1, which consists of a strip of land, approximately 50' in width.

The Board grants the Application subject to strict compliance with the following conditions:

1. The Property shall be subdivided into two lots, Lots 1 and 2, substantially as depicted on Exhibit B-3. The subdivision must comply with all requirements of the Township Zoning Ordinance except as may be modified by decision of the Township Zoning Hearing Board.
2. Lots 1 and 2 shall be deed – restricted from further subdivision and development, including any new buildings, structures and impervious surfaces. The restriction shall be satisfactory in form and substance to the Township Solicitor. Lots 1 and 2 shall be separately conveyed and the deeds recorded immediately after recordation of the subdivision plan.
3. Lot 1 shall be subject to a perpetual conservation easement or other restriction satisfactory to the Township in all respects. The easement shall protect the wetlands, floodplain and woodlands on Lot 1. The cutting or removal of trees except diseased, dying or dead trees or those posing a hazard to the residential dwelling and curtilage shall be prohibited. The easement shall be held and enforced by the Township or a conservation organization and recorded in the chain of title of Lot 1 contemporaneously with the recording of the Lot 1 deed. The Applicant shall pay the amount of any endowment required by the Township or conservation organization for monitoring and enforcement.
4. The portion of the Property in Franklin Township and the area marked “ROW 0.342 ACRES” on the Plan (“Road Parcel”) shall be conveyed to the owners of Lot 1 and 2 as tenants in common and shall be deed restricted for use only as access for Lots 1 and 2 to Appleton Road. A single-access private road shall be located in the Road Parcel which shall be used exclusively for ingress and egress for Lot 1 and Lot 2.
5. An access and maintenance agreement, which shall burden and benefit Lots 1 and 2, shall be recorded against both Lots 1 and 2 providing ingress and egress over the Road Parcel and providing for the maintenance of the private road,

shoulder and green area of the Road Parcel. The agreement shall be satisfactory in form and substance to the Township Solicitor and recorded contemporaneously with recordation of the subdivision plan.

6. Except to the extent inconsistent with any of the foregoing conditions, the Applicant, the subdivision of the Property and use and development of the Lots shall strictly comply with the representations and commitments made in the testimony and exhibits presented at the Hearing.
7. This Decision and Order and the conditions hereof shall bind the Property, Lots, the Applicant, all owners of the Property and Lots and the Applicant's successors and assigns to the Property and Lots.

There was discussion of Condition with endowment.

Aileen Parrish suggests the easement being held by the LBT Land Trust as they are more equipped to handle this. Supervisor Parrish gave an example of \$1200 cost of an easement on a similar property. Alan Hill agreed this should be an acceptable solution to conserving the property.

Rick Longo/London Britain Station(LBS)

Rick Longo of Hillcrest Associates questioned the Board of Supervisors as to why the Board does not intend to extend the Nichol property subdivision. Mr Longo provided the Board his history of obtaining subdivision rights to the Nichol property and obtaining Doris Nichol's property. Mr Longo is requesting an extension of the subdivision. Supervisor Aileen Parrish noted that on 1/21/08 the Township honored Hillcrest requests to stop the review process of LBS. On 9/2/11 the Board agreed to another extension request and approved the issuance of a letter to Hillcrest stating conditions in which the applicant must make substantial progress toward final approval. On 10/6/11 the Township sent a letter to Hillcrest outlining major items/and concerns with the subdivision. The Township was then in receipt of a letter dated 11/10/11 requesting an extension due to impact of the economy. On 11/14/11 the Board agreed to another extension. Aileen Parrish noted that the current request is not all of a sudden; we asked years ago, we understand the economy is tough, 2 yrs ago we asked for movement. A year ago with we met to discuss acquisition with open space, no movement there and another year has passed.

Rick Longo questioned why the Township can't wait longer. Carolyn Matalon noted both 2011 and 2007 letters sent to Hillcrest outlined major outstanding items.

Treasurer Report

Nette Stejskal read the October 28, 2013 Treasurer Report (report attached)

Bills over \$1000

Avondale Fire Relief	\$9242.01	W Grove fire relief	\$21554.69
Alger Oil	\$1316.29	Walton water	\$5888.62
MSI	\$2036.49	Asphalt Maint	\$164,740.92
Walsh Eng	\$9427.99	Ford Auto	\$1720.03
Indep Const Mat	\$1982.01		

General Fund- David Owens made a motion to acknowledge the ACH transactions for the payments of interest and principal on the DVRFA Loan, Selective Insurance, Federal and State payroll taxes and Pcard and safe deposit box. Glenn Frederick seconded and the motion carried unanimously.

General Fund – David Owens made a motion to pay bills as represented by General Fund M&T with checks# 14016-14050 from the General Fund. Glenn Frederick seconded and the motion carried unanimously.

Plgit-General Fund- David Owens made a motion to pay bills with ck# 6137-6165 from the Plgit General Fund. Glenn Frederick seconded and the motion carried unanimously.

Plgit General Fund- David Owens made a motion to approve the transfers to the Park Fund, Open Space Fund and Capital Fund. Glenn Frederick seconded and the motion carried unanimously.

Parks Fund- David Owens made a motion to pay bills with ck#2651-2652 from the Parks Fund. Glenn Frederick seconded and the motion carried unanimously.

Parks Fund- David Owens made a motion to acknowledge the transfer of funds from the Parks Fund to the General Fund. Glenn Frederick seconded and the motion carried unanimously.

Open Space Fund- David Owens made a motion to acknowledge the transfer of funds from the Open Space Fund to the General Fund. Glenn Frederick seconded and the motion carried unanimously.

Capital Fund- David Owens made a motion to acknowledge the transfer of funds from the Capital Fund to the General Fund. Glenn Frederick seconded and the motion carried unanimously.

Capital Fund- David Owens made a motion to pay bills with ck#1377 to replace the check voided from the Capital reserve fund. Glenn Frederick seconded and the motion carried unanimously.

Highway Fund- David Owens made a motion to pay bills with check# 6255-6265 from the Highway Fund. Glenn Frederick seconded and the motion carried unanimously.

Meadows Escrow Fund- David Owens made a motion to pay bills with ck#184 from Meadows Escrow Fund. Glenn Frederick seconded and the motion carried unanimously.

Misc Escrow Fund- David Owens made a motion to pay bills with ck# 148 from the Misc. Escrow Fund. Glenn Frederick seconded and the motion carried unanimously.

New Business

Scott Crowder a member of PA friends of WCCP- PA state approval for a trail from arc corner to the trail marker where the 3 states meet. There is a PA requirement for parking area and smooth driving road.

Chambers Rock Rd sign- Traffic sign data was retrieved for 10/23-10/25. This data will be given to the Avondale state police.

Business from the floor

Adjournment

Aileen Parrish made a motion to adjourn the meeting at 9:30 PM. David Owens seconded and the motion carried unanimously. Aileen Parrish reopened the meeting with the purposed of calling for a vote on Resolution# 13-12.

Aileen Parrish made a motion to adopt Resolution#13-12 as read. Glenn Frederick seconded and the motion carried unanimously.

Aileen Parrish made a motion to adjourn meeting at 9:44pm Glenn Frederick seconded and the motion carried unanimously.